

The Welfare Contribution of Creative Commons

Tal Niv
UC Berkeley law School
Creative Commons

The Goal

To use the Creative Commons example in order to pave the way toward considering the welfare contribution of License Platforms/Organizations/Free Culture Movements operating in the same space

Creative Commons, background

- Organization
- Idea, Movement
- Legal Platform

Creative Commons; favorable background conditions

- Normative weight in an IP expansionist space
- The collaborator's technique (not disruptive of existing regulatory environment)
- International network
- Grassroots support (users, activists)
- Technological advantage (used for consolidation, solution)

Creative Commons, The Platform

- 6 licenses
- 2 marks
- Tailored packages
- Tailored intra-field equilibrium
- Legal metadata, the technical component
- Lay versions, the CC brand



Creative Commons Platform; advantages

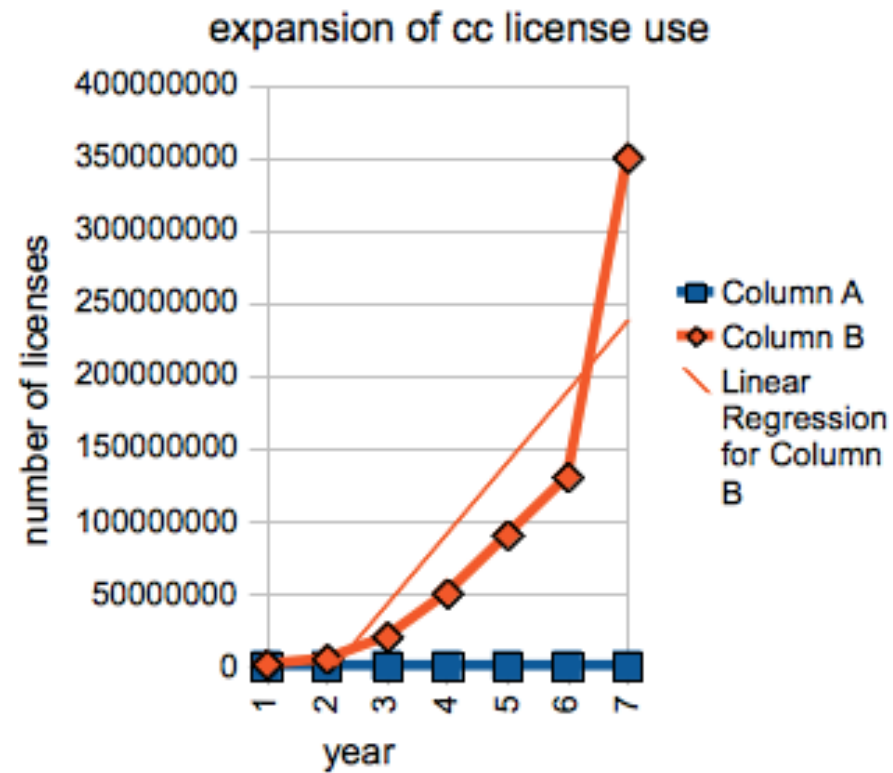
- Tailor-made; but limited(to field, to user)
- Clear signal (trademark, CC brand, lay versions, consistency)
- Free
- Term clarity
- Search cost reduction
- International uniformity
- Granting the full extent of possible uses to licensors

Organization, Idea, Platform: Advantages

- Taking advantage of factual congruence of regulatory regime
- User incentives (reputation, distribution)
- Grassroots impact on legal environment

Great Success

- Expansion
 - User Base (10 million works)
 - Jurisdictions (80 affiliates, +members)
 - Fields and communities (OER, BS, UGC, PSI, ART)
 - User types (ideologues, lay, professionals)
 - Platforms
 - Prominence (organization horizon, discourse)
- Normative weight (presence, enforcement proof)



A New Topic – The Long Road

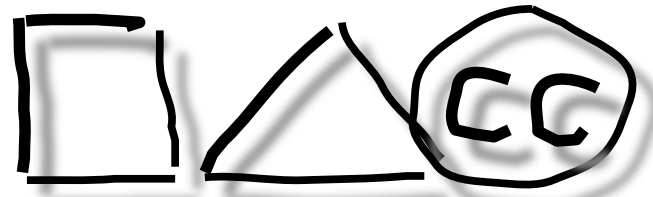
- The direct contribution of the “Creative Commons fields” to welfare
- The direct contribution of collaboration itself to welfare (innovation?)
- The direct contribution of the public domain to welfare
- Interdependence
- The incremental contribution of free culture organizations, movements
- The incremental contribution of legal platforms

Perpetual Hurdles to Welfare Contribution Study

1. Describing the CC operation in a fashion prone for analysis
2. The ambiguity of the direct contribution of field activity (art? OER? Basic science? UGC?) + interdependence/spillovers/endogeneity (the bridge: collaboration)
3. Contribution of License Platforms, of marks
4. Defining proper metrics
5. Discounting alternatives
6. Time lag (staged value realization)
7. Distinct but interdependent areas of contribution

1. What is Creative Commons?

- The Pillars of Contribution:
 - Transaction Facilitator: $\sum(\text{benefits} - \text{costs}) - \sum(\text{"creative comets" platforms usage})$
 - Institutional sphere
 - Norm Shifter



2. The Welfare Contribution of the Fields

- Art contribution? Quality? Quantity? Variability?
 - More artists? /more categories of artists?
 - Better art? / more categories?
- OER? Like Education Materials?
- Basic Science?
- Public Sector Information?
- User Generated Content?

3. Legal Platform Contribution

- How to generally measure welfare contribution of:
 - Regulatory environment clarity ↑
 - Uniformity ↑
 - Discretely Tailored regime ↑
 - Legal costs savings ↑ (and ↓)
 - Transaction costs reduction ↑
 - Search costs reduction ↑

3. Specific CC Legal Platform Contribution

- Reduced search costs (technological factor)
- Reduced communication costs (layman versions)
- Empowerment of creator (↑↓)

3. But...Inherent welfare costs

- Interpretation difficulties
- Enforcement issues (Multi-jurisdiction, Standardizing layer laid over a non-standardized space)
- (*Degraded*) Quality signal (distinct from direct quality reduction, may be a benefit but unwanted)
- Counter-intuitive influence: (author empowerment, restricting downstream uses, otherwise pd)

4. Proper Metrics

- Macroeconomic measures? (difficult)
- quality, quantity, variability and mutual impact

And then:

- By Contribution
- By Field (existing, evolving)
- By User and Use Type

Research Methods

- Analytical frameworks
- Regression Analysis
- Use Cases (for induction, extrapolation to general measures)
- Data Mining (for discovery of unexpected patterns)

Data Sources

□ Automatic tracking:

- usage of tools (some things we can, some we can't do)
- CC website activity tracking
- Buzz tracking (micro, macro), twitter, search engine trends

□ Manual tracking: surveys, questionnaires, interviews

- Among different communities (users: passive, active, legal professionals, CC affiliates, policy makers, IP powerhouse)
- Push models: analyzing unsolicited reactions
- Narratives

Advice anybody?